

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on May 21, 2014 commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman
David Fader
Josh Babcock Stiner
Thomas J. Warth
Laura Civiletti
Andrea Thompkins Wright
John J. Osowski

Ramsey Boehner, Town Planner
David Dollinger, Deputy Town Att.

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening
Ladies and Gentlemen, I would like to call to order the May 21, 2014 Town of Brighton's Planning Board to order. We have minutes from the March 19, 2014, and April 10, 2014 meeting do I have a motion to approve those minutes with any corrections.

MR. FADER: I move to approve the minutes from the March 19 and April 10 meetings.

MR. OSOWSKI: I will abstain since I wasn't here for the March meeting.

MR. BABCOCK STENIR: Second

UPON ROLL CALL VOTE MOTION CARRIED

MR. CHAIRMAN: Mr. Secretary will you verify that the public hearings were advertised as required.

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of May 15, 2014.

MR. CHAIRMAN: Before we begin the public hearings the agenda for tonight has been reduced. Application 1P-01-14

has withdrawn by the applicant as well as 12P-NB1-13. of Max M. Farash Land Co. and application 5P-NB3-14 has been postponed to the June 18, 2014 meeting at applicant's request.

1P-01-14 Application of Sherry Dampier, owner and Joseph O'Donnell, architect for EPOD (watercourse) Permit Approval to allow for the construction of a garage addition on property located at 3176 Elmwood Avenue. All as described on application and plans on file. TABLED AT THE JANUARY 15, 2014 MEETING – WITHDRAWN BY APPLICANT.

5P-01-14 Application of 2600 Elmwood LLC, owner, and Buckingham Properties, agent, for Conditional Use Permit Approval and the Site Plan Modification to install a 555 +/- sf outdoor dining area in the front yard with 20 seats on property located at 2600 Elmwood Avenue. All as described on application and plans on file.

MR. THOMLINSON : My name is Matt Thomlinson with Marathon Engineering and also with me is Arron Malbone from Buckingham properties. We are here tonight to ask for referral to the Zoning Board for approval on 555 sf patio located at 2600 Elmwood Avenue as mentioned. We are looking for outdoor seating at this property to support the restaurant that are within the building. It will be fenced and landscaped. We are anticipating having 20 seats outside and two person tables. There are restrictions on the property with regards to the total number of seats and this seating that is seasonal will not put us above that number. Currently 99 seats are allowed within there according to the existing use variances that are on the property. The current layout within the building is 70 seats so the 20 additional out here would still be below those limits. It does require two variances and that is what we will be appearing before the Zoning Board of Appeals for. One is there is an existing non-conforming variance on the property for green space. There is 27.6 percent which is slightly lower than 27 percent due to the pavers that we will be using here. It will be permeable paver with infiltration allowed through it but we wanted to make sure we covered all out bases for the variance request as our client is interested in moving this forward as quickly as possible. The second variance is for a patio being built in the front yard of this building. We have reached out to our neighbor to the

west and have a letter in support of that which I would like to give to the Secretary of the Board. So we have reached out and presented the plans to him and he is in support of the project. We will be removing one tree. We did appear before the Conservation Board last Tuesday with regard to the proposed plan. They were in favor of that and did not provide us with any comments. With that I would like to open it up to any questions you might have in regard to this proposal.

MR. CHAIRMAN: Could you just go through some of the thought process you had in designing the patio. Why it is where it is? A lot of drive by and see a lot of people hanging out or congregating a little closer to the sidewalk that is there now and it doesn't seem to align with the door and the fence does not align with the columns. I am just curious where the shape comes from and why is it offset from the sidewalks.

MR. THOMLINSON: Sure, we wanted to create space for people using the plaza. If they are just sitting there they don't feel like it is right on top of the parking lot. So we tried to maintain some space there. There is an existing flag pole here with landscaping around it that we are looking to maintain as well along the front of that building. There is a door here that runs out to the covered entrance there. That door would essentially be circulating out to the patio. The fence doesn't line up with the column we were just trying to maintain spacing around the patio and to limit the shape of it and give it a little bit of character rather than just a rectangular patio out there. That fence location can easily line up with the column if preferred that way by the tenant once they start putting it in. As far as the location goes there is an overall plaza plan if you will there and you will see behind the building on the east side of the building there is a lot of shared agreements within this plaza with the regards to parking, access circulation and that kind of thing. There is no room to the west side it is about 10 feet from the property line and the houses on the north side of the building. There is very limited availability for this outdoor patio that is really being driven by the tenants and it is what they are looking for to provide to their customers.

MR. CHAIRMAN: Any questions from the Board?

MS. CIVILETTI: I hope you are making sure that this isn't too narrow here at the road into the patio area. I think

generally people tend to walk outdoors and run into somebody but they don't stop and talk but that looks like it could be a potential for that.

MR. THOMLINSON: We can look at the circulation for that and make sure it works for the tenants.

MR. BOEHNER: You aren't making any improvements to the building just the patio section?

MR. THOMLINSON: Just the patio section.

MR. BOEHNER: You have made the Zoning application?

MR. THOMLINSON: We are on the agenda for the June meeting.

MR. WARTH: I have one suggestion. It looks like on the table is the Zoning variances and would there be a drawing that has some elevations and what the fence and everything would look like?

MR. THOMLINSON: We do have an elevation of the fence that we are anticipating. It is a black picket fence, just the detail of it but you are talking about on the patio itself with the landscaping?

MR. WARTH: Yes, with the landscaping and the fence and how that would appear.

MR. THOMLINSON: That is something we can explore.

MS. THOMPkins-WRIGHT: Is there lighting proposed?

MR. THOMLINSON: Currently no there is goosenecks over the entrances on the face of that I believe for the lighting we will be using ambient lighting we are not proposing to add any lighting.

MR. BOEHNER: No outside music?

MR. THOMLINSON: Not anticipated as far as I know.

MR. CHAIRMAN: Does your drainage require a cut into the street.

MR. THOMLINSON: It does not what is there actually sits underneath the sidewalk. I believe we can core from behind it. We have already talked to county DOT about the permitting.

MR. BOEHNER: What will the hours be for that outdoor dining?

MR. MALBONE: Arron Malbone from Buckingham Properties. The hours for operation for the patio should be the same as the operation of the building. We are not going to limit access to that which is from 5 a.m. to 11 p.m. for the variances.

MR. BOEHNER: So basically it will be used during the operation?

MR. MALBONE: Yes.

MR. BOEHNER: How are you guys going to handle litter? And what are you going to do to prevent litter?

MR. THOMLINSON: We can provide trash receptacles outside? I don't know if there are on staff maintenance people there? Arron would know more about that?

MR. MALBONE: There are people that will maintain that during the hours of operation.

MR. BOEHNER: So they will be out there making regular checks?

MR. MALBONE: Yes.

MR. THOMLINSON: I don't know if it is possible to get a Conditional Approval at this point or if we need to come back if we get our variance. Are there any comments that we need to appear at the following Planning Board meeting?

MR. BOEHNER: Most likely but that will be decided later.

MR. THOMLINSON: We will be notified tomorrow morning?

MR. BOEHNER: Yes, you can call early in the morning.

5P-02-14 Application of Boy Scouts of America – Seneca Waterways Council, owner, and Chait Studios, agent, for the Site Plan Modification to re-stripe the parking lot, adding 20 parking spaces and modify traffic flow on property located at 2320 Brighton Henrietta Town Line road. All as described on application and plans on file.

MR. CHAIT: Good evening my name is Stu Chait, Architect and Agent for the Boy Scouts of America and Seneca Waterway Council. With me tonight is Mary Ellen Smith who is from the Seneca Waterway Council and we are here for a Site Plan Modification which comes about as the Boy Scouts in occupying this building, renovating the building require a different parking concept from what the building was originally built for many years ago. We went through a parking analysis with Rick Desteffano from the Town and we were able to establish a number of grandfathered spaces for the building. The Scouts occupy only so much square footage of it and in anticipation of the balance of that space being vacant now and possibly being rented out to a commercial tenant we wanted to be able to maximize our parking spaces. If we don't need them we would have them but we want to make sure we have the ability to strip them as such. Now, in doing the analysis with Rick we were able to establish that we needed 108 parking spaces. In restriping the lot the lot itself affords us 88 parking spaces so we needed to establish an additional twenty. The setback for the current conditions of the site don't allow us to really locate any additional asphalt anywhere else. So what our plan essentially is to be on the east side of the property at this Brighton Henrietta Town Line Road on the east side of the property there is a drive that cartwheels around the property. We are proposing to

locate 20 spaces parallel parked 9 by 19 slightly larger than what the Town requires and we are able to establish that we can still create this as a one way in and one way out maintain the turning radius' that Mr Roth required for the fire fighting apparatus so you can satisfy that and get the additional 20 spaces that we need so we would have an overall 108 spaces. I have reviewed the plan with Mr. Roth, we did a fire protection worksheet with him and the building itself is fully sprinklered, has fire department connection outside. So to the best of my knowledge in discussing this with Chris I received information back from the County Planning Department that they have no comment on this. It is pretty straight forward but I am opening it up to questions you may have.

MR. CHAIRMAN: I guess before this presentation I wasn't quite sure how did this building what was the assumption of what this building was that allowed it to have the 88 spaces prior to this.

MR. BOEHNER: It was designed for flex spaces with 20 percent office and 80 percent warehouse.

MR. CHAIRMAN: Okay, would you spend two minutes talking about what the boy scouts are doing here.

MR. CHAIT: The boy scouts are relocating their Seneca Waterways Council headquarters which has been prior when it was Latishana Council on East Avenue. It had been on East Avenue for thirty or forty years they had been there forever and at that point I think Mary Ellen can speak a little bit as to the reason for the relocation but they are essentially relocating their operation here. They own the building. Their needs only dictate that they need so much of the building currently so the rest of it is partly vacant but seeing an opportunity that you could have a commercial tenant there we want to make sure that parking space wise we are okay. We did the parking analysis and this again is working with Mr. Desteffano that 18,000 sf of this space were grandfathered in as one space per 300 sf which gave us 60 spaces then if I took the balance of the space which is an additional 12,000 which this is a 30,000 foot building if we set aside one space per 250 for office occupancy that would require another 48 spaces thus the 108 required. On the right hand side is the building usage breakdown. The boy scouts only need to have 31 employees so they will never use the 60 spaces that the code is asking for so we never anticipate full occupancy but obviously we have to meet code.

MR. BOEHNER: One thing about your numbers there, the numbers on the left we are assuming a 30,000 sf building the numbers on the right are totaling up to a building of 30,700 sf. So you would be two spaces short if your short some spaces your analysis of how many spaces you needed were based on having only a 30,000sf building. So I am not sure which numbers are correct. We can't resolve that tonight I just wanted to point that out to you depending on what numbers are the correct numbers you may be short parking if you want to have office use in that building.

MR. CHAIT: I guess I am going to ask you to explain that again because my numbers on the right add up to the square footage of the building which is 30,000 sf. The scouts occupy 20,483 the future tenant which is the north side of the building is 10,055 so its 30,000, we'll call it 30,500 sf.

MR. BOEHNER: I am not sure which numbers are right but we can clarify that, that is not the purpose of tonight it is just something that popped up it is what it is you can only have so many spaces.

MR. CHAIT: To make a point Ramsey, part of the reason we did break down on the right hand side is that we have 13690 of office space and then there is a lot of redundant space within it with storage, cleaning rooms and so on that I would beg to differ on how you are going to look at it at it as 1 to 250 when it should be more 1 to a larger square footage number.

MR. BOEHNER: Now is not the time to get into that argument I am just point out it is something we are going to have to straighten out. The numbers are going to be what the numbers are and you are only going to be able to get so much parking on the site and we will figure that out.

MR. CHAIT: As I said the scouts will never need the 60 spaces that the code requires it just won't be there. And to the point of the code we are also sensitive to the fact that the code is written to one space to 250 sqft that you could end up putting a very intensive use in here like a call center which would never be done. So if that ends up being a condition of what we are hoping is an approval here we want it to be a very straight forward office space we don't want to be dictated that

sorry you can't use it for office space and you will have to use it for warehouse space. We are not anticipating 40 people here.

MR. CHAIRMAN: So all of the future tenant space you said is office space?

MR. CHAIT: We are saying we are asking for 40 people where a call center you could ask for a lot more. I am here to say that will never happen.

MR. BOEHNER: It couldn't happen because the code goes by square footage or number of employees whichever is greater.

MR. CHAIRMAN: I guess we would like you to speak a little bit about the use of the loading docks our concern being if something gets parked there and you have a fire and they need to get through.

MR. CHAIT: The way this building was built originally each one of these small jets were loading docks and they have all except for this middle one been decommissioned. There is only one loading dock remaining the rest of these remain at points of egress for the building. So the loading dock is right here in the middle. I can't answer as to when trucks are coming or going so even if these cars were not here if there was a 60 foot tractor trailer here there would be an issue of getting fire apparatus around. So to that point whether the cars are here or not it is something I can't anticipate.

MR. BOEHNER: Well you also now encourage people to park behind the building and if the truck is there and they are going one way how do they get out?

MR. CHAIT: How does the truck get out?

MR. BOEHNER: No, the car that just went one way to go park down there. I guess the question is what type of trucks are going to be used?

MR. CHAIT: I think they are going to be package type trucks and more than likely coming to the front door.

MR. BOEHNER: Say you were to release the vacant space to a tenant, say they were going to need a truck you open up one of those loading docks and say they are going to park a semi- truck there for a couple of days while it gets loaded or unloaded.

MR. CHAIT: They can't because what we will do is any future tenant it would be written into their lease that parking here as well as temporary loading or other wise could not block any potential fire fighting apparatus.

MR. BOEHNER: I am not just concerned about the fire apparatus I am talking about vehicle traffic that we are directing in through the run way. I mean we need more information about that because it is one thing to have a semi parked there versus a UPS truck that is going to drop their stuff off and be gone five minutes later. That is why I am asking what type of truck deliveries do you have, how long are they there and will they be blocking that lane off because that is something we are going to need to know more information about. You may need some space so a car can get around. If you use that loading dock you may not be able to have cars parking around it so cars can get around it. If you are going to be receiving semi's and it is going to sit there you are basically closing off that rear part of that building for parking and we are trying to leave it open. Do you undersand what I am saying?

MR. CHAIT: I appreciate what you are saying right now current deliveries that are anticipated by the scouts are going to be package type deliveries which will be done by the front door on the side. If all of a sudden Mushroom trucking pulls up and they have a delivery it would be an unanticipated delivery so I can't tell you it's once a week or once a month or whatever the potential of a semi pulling up. It is an unknown schedule at this point. Deliveries would be UPS delivery up front. The loading dock is being left there as a matter of convenience.

MR. BOEHNER: That is different so you are saying the loading dock is not going to be used.

MR. CHAIT: This one is only here for convenience only.

MR. BOEHNER: So deliveries would be coming through the front door?

MR. CHAIT: Absolutely.

MR. WARTH: So would you be comfortable with a condition that deliveries would have to be through the front door?

MR. CHAIT: Absolutely, so if all of a sudden a tractor trailer showed up with a delivery they are going to have to get it off their back end and bring it to the front door. We won't block this aisle up.

MR. BOEHNER: So your testimony is that is the only one still working and they are not planning on using it.

MR. CHAIT: That is the only one that is not decommissioned. Again I don't seriously see the 20 spaces being ever used and we are stripping those only because we have to.

MS. THOMPSON-WRIGHT: Would those people have to enter the front of the building?

MR. CHAIT: They would have to walk around the building. It would be an inconvenience to park there.

MR. OSOWSKI: The existing parking is there any way to adjust the size?

MR. CHAIT: I already have some of them were oversized and I changed them back to the Town standard. So I was able to pick up 5 or so spaces there. I could ask for a variance to take 20 spaces off the board but I doubt I would get it.

MR. CHAIRMAN: Are there any exterior lighting being added beyond stripping the parking lot?

MR. CHAIT: Not exterior lighting or anything preexisting some pole lights on the side here, the scouts do want to locate a flag pole up in front it is a 30 foot high flag pole. The would like to fly it 24/7 so that means we have to light it. The suggestion is to add a 50 watt LED flood light on the street side of the poles shining away. It will be a very directional light so it is not going to have a lot of light spillage.

MR. CHAIRMAN: Questions from the Board? Since this is a public hearing does anyone have any questions in the audience? We will move on. Thank you.

5P-03-14 Application of Beam Mack Sales and Service, owner, for Demolition Review and Approval to raze a commercial building (formerly Michelina's Restaurant) on property located 2674-2700 West Henrietta Road. All as described on application and plans on file.

MS. BRUGG: Good evening, my name is Betsy Rugg and I am an attorney from Woods, Oviatt and Gilman, I am here on this application of Beam Mack Sales and Service, requesting approval for demolition of a building on their site at 2674-2700 West Henrietta Road. If you have had a chance to visit the site you will see there is a large Mack's dealership on the site, the primary use for the property is as a Mack's Sales and Service Dealership, they are the only one in the Rochester area. They occupy the majority of the parcel that we are talking about as well as the parcel to the north and they have been there for approximately 60 years. What we are asking approval for is to demolish the smaller former Michelina's Restaruant building. I think maybe 2000 sf or 2100 sf, the building is vacant the restaurant has been closed for some time, the building needs significant investment in order to make it useful for any other use. The property is really primarily used as the dealership. So we are requesting approval to demolish that building and basically just restore and pave over that area. It is a very small area if you look at the configuration of the site it is a very small area. What we are showing is display area for the sale of trucks. Now in respect to the approval that we are requesting you should have received a letter from the Historic Preservation Commission they don't have any concerns about this building, the Conservation Board also took a look at this as required for demolition application and they had no comments. So essentially we have really a relatively useless building and we are requesting the approval to remove it. I should note that Bob Cappers is here our project engineer and Mr. Howard is here for the property owners.

MR. CHAIRMAN: Any additional buildings planned?

MS. BRUGG: No, there is nothing additional planned just to tear it down and pave it. It is a really small area and there is not a whole lot of use for it.

MR. CHAIRMAN: I would ask that you submit something as a layout for Ramsey to look at as a layout so it does have some definition of the number of vehicles to be stored out there.

MS. BRUGG: We absolutely agree to provide that. That is not a problem.

MR. KEIFFER: Bob Keiffer I am a professional engineer retained by Beam Mack that plan will also maintain the egress way so there won't be vehicles parking in this area here.

MR. BOEHNER: When you submit the plan we can look at that lot. You have done a pre-demolition asbestos survey is that correct?

MS. BRUGG: Yes and that has been submitted

MR. BOEHNER: And there was asbestos?

MS. BRUGG: Yes and that will be abated by demolition time.

MR. BOEHNER: That asbestos removal will be done prior to demolition?

MS. BRUGG: Yes.

MR. BOEHNER: What is the timing of the restoration of the site from demolition to the site's paving, do you have a schedule or anything?

MR. KEIFFER: The contractor has been identified and is ready to mobilize as soon as the asbestos is removed. I anticipate the entire structure will take less than two weeks.

MR. BOEHNER: Is that all the same contractor?

MR. KEIFFER: No, I think they will sub the paving part to someone else.

MR. CHAIRMAN: This is a public hearing is there anyone in the audience who cares to address this application? Hearing none we will move on. The public hearings are closed.

MS. BRUGG: Thank you so much.

12P-NB1-13 Application of Max M. Farash Land Co., LLC, by Max M. Farash Declaration to Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct a driveway serving a 59,800 sg building in the Town of Henrietta that will house three private schools and to subdivide one lot into two lots on property located t 447 French Road. All as described on application and plans on file.
TABLED AT THE DECEMBER 18, 2013 MEETING –WITHDRAWN BY APPLICANT.

5P-NB1-14 Application of Deacon Peter Bushunow, Holy Ascension of Christ Church, owner for Preliminary Site Plan Approval to construct 576 +/- sf building addition and enlarge the parking lot (20 additional spaces) on property located at 650 North Landing Road. All as described on application and plans on file.

DEACON BUSHUNOW: I am Peter Bushunow. And I am the deacon at our church and the chairman of the building committee, so I am representing the owner and applicant. Our congregation purchased this building in 2007 there was an existing church built in the early 60's with an attached rectory I am sorry the rectory is a separate building but it is all in the same plot. There was some existing parking but it was sort of grandfathered in the church prior to us. We are a small congregation we have approximately 50 members total 50 people about 30 adults and 20 children. We conduct worship services Saturday nights and Sunday mornings and we don't have at this time nor do we plan any type of school or daycare or any other type of activity other than worship services and fellowship coffee and donuts immediately after. Our church is constructed as a split level building right now to access either the main floor or the lower level of the fellowship hall you have to take stairs and there is a stairway inside the building connecting the two levels and the bathrooms are also very small and not accessible for anyone in a wheel chair or with a walker or anything like that so we have an acute need to try

and improve that situation. And we have consulted with an architect Barkstrum and LeCroix to make the building accessible we need to install an addition. We need to install a three stop elevator with one stop at street level or parking lot level and then a half floor up and a half floor down and the only way we can really do this with this building is to construct an addition. We also would need to move the existing stairway out of its current location so that we can expand the bathrooms to be handicapped accessible. So that is why we are proposing and at this point the sketches that were provided are preliminary. We are asking for approximately a 24 foot addition to the west of the existing building. This addition will not increase the capacity of the building. It will not increase the worship space or the fellowship space. It will really be taken up by an elevator an entranceway which is required and then an elevator and stairs and the way it is designed I think it meets the idea that all entrances both for people in a wheelchair all occurs through the same main door and will continue the sort of east and west character of the building.

The second part of the project which we are proposing is to expand our parking. As we started working with our site engineer and the congregation in terms of the building project we really feel that its important for us to expand the parking lot and we propose to pave an area just to the east of the building. Our building is situated so that there is a large empty green space to the south between us and the access road to Indian Landing School and what our proposal will not really affect any of that open area. We do plan a narrow pedestrian sidewalk just to allow access from the parking lot to the front of the building. There is existing foliage along the boundary line between us and our neighbor to the east. We have contacted our only direct residential neighbor and he is fully understanding of this and he has no objection and in fact we brought up the question that town code would require a privacy fence . He would actually prefer not to have any fencing because our use is quite limited. So most of the week there is no cars parked there at all. So it is up to the Board we may need a variance for that. We understand that we will need some other Board approvals we will need a variance for setback and setback for public utilities is 100 feet our existing is about 60 feet at our current entrance. The addition as proposed will still be within the 40 foot setback required for residential buildings so we won't really be approaching the street any more than the rectory building or any of the other buildings on the street. So we aren't going to encroach there.

We know we will have to go to the Conservation Board and

the Architectural Board and as we have been developing these plans we have contacted the Penfield school district and we surveyed the manhole for storm water drainage which is on Penfield School property and there is an existing storm sewer pipe extending from the area of our proposed parking lot entering that manhole on Penfield School property. There is a variance that was filed back in the 60's when this was constructed. The facility department of Penfield School assured me that there would not be an issue of reconnecting our proposed storm sewer to that pipe. We had the pipe inspected and it does need to be replaced. So the one condition that the Penfield School will be asking us to do is to try to finish our construction before school starts in September.

And I would just like to ask the Planning Board to consider that we may need to break up this application that is it is sort of two separate projects. The addition is one project and the parking expansion is the second project and if there are any issues with the Architectural Board or anything like that that delays us we may come back and ask you to consider approving this site plan for the parking lot expansion while we are still working out the addition. We think we can meet all the deadlines with the architect but I know by experience sometimes there are questions and revisions that are required.

So basically that's our application and I think again it is something that many of our parishioners young and old we need is improved access to the building.

MR. CHAIRMAN: I notice that the parking lot is a little bit close to the existing trees crossing the back of the property and it is a little bit difficult to tell of course to what extent you are putting parking in is entrenching the electric light poles and is it going to cause a loss of those trees and we would ask you to confirm as to whether those would be a problem or not.

DEACON BUSHUNOW: I understand and we will look into that.

MR. BOEHNER: We did receive a letter from your neighbor and they were quite generous and they don't want a fence but we have to make sure those trees don't die.

DEACON BUSHUNOW: Understood.

MR. BOEHNER: The lighting along that edge is overflowing into their property so some consideration should be given to using residential shields to try mitigate the impacts of those lights along that property line. So that is something you will need to look at. Did they realize there was going to be lights in the parking lot?

DEACON BUSHUNOW: We did discuss that with them and what we are proposing are residential style lanterns, 8 foot tall not any type of high intensity. These aren't high intensity lights but we can certainly – I believe the engineer indicated that on the lighting plan he referenced a shield but it does overflow a little bit.

MR. BOEHNER: So you understand why I am bringing it up.

DEACON BUSHUNOW: Absolutely and we can ask him to revise that and suggest the type of light that will be more directional.

MR. BOEHNER: Will those lights be on timers?

DEACON BUSHUNOW: Correct and again I think there is no activities going on most nights weekday nights just Saturday and typically it ends at 9:30 and so when every one leaves the lights can go off. We don't expect there to be any need for parking lot lighting other than when there is a planned activity at the church.

MR. BOEHNER: What would be the latest that they would be out and the earliest that they would be on.

DEACON BUSHUNOW: There is really no times in the morning that we would anticipate needing lighting. The latest that they would be on to give us a cushion I would say is 10 o'clock with the exception of one time of year which is on the eve of Easter. So from Saturday night we have a midnight service on that night. That's the only time that we have any type of night time activity. So right now the lights on the front of the church are on timer that basically is adjusted so that they go on at dusk whenever it starts getting dark and go off at 11:00 o'clock. So we could adjust the ones in the back to go off earlier to do the same thing on the lights we already have. Right now there is existing lighting on the front of the church and it illuminates the entry way.

MR. BOEHNER: Do you know that you need to get a variance for front setback.

DEACON BUSHUNOW: Correct.

MR. BOEHNER: And you know you need to get Architectural Review board approval.

DEACON BUSHUNOW: Correct and that is why I referenced that we have talked to the school on whose property the storm sewer attachment is. We will need to repair and replace that pipe that goes from our - there is an existing pipe but we had it inspected and it is in very poor condition. The engineer says we will need to replace it and the school is fine with us accessing their property to do that but they want us to do that before school starts in September. So we will immediately make applications to the Zoning and Architectural Boards and if there is any kind of question about the addition we would like to discuss with you coming back with a site plan specifically for parking and possibly delaying the addition construction until next year.

MR. CHAIRMAN: Is the reason to do that is to get that connection resolved prior to school starting.

DEACON BUSHUNOW: That is correct.

MR. BOEHNER: Is that an existing pipe?

DEACON BUSHUNOW: It is an existing pipe. There may be a difference as to where it runs.

MR. BOEHNER: I think where the Chairman is going is that is an existing pipe. Its there and you need to fix it.

DEACON BUSHUNOW: I assume we would need some sort of permit to excavate it. We can talk to the Town Engineer. We can possibly repair the pipe and then wait for the approvals.

MR. BOEHNER: Yes , because the pipe is broken and you need to fix it.

MR. CHAIRMAN: Any other questions?

MR. OSOWSKI: It appears the existing pipe is an 8 inch clay pipe but it is not clear to me the section that needs to be replaced. I can't see the note but most of the new pipe is 12 inch diameter so are you replacing the 8 inch with 12 inch pipe.

MR. BOEHNER: On the site before we get into the architecture, the plans are a little hard to read so there is a number of things I am going to ask the plans to address. I am not going to go into detail here. But it will be outlined in a letter to you.

MR. CHAIRMAN: I am curious as to the configuration of the front canopy over the door and the configuration that was a very nice façade and I was curious about the rounded aspect to it.

DEACON BUSHUNOW: And I agree these are relatively preliminary plans and we had a conversation with Ramsey and he said you know if for some reason we don't have a setback variance we really don't have a project here. So we had the architect look into what we needed to present to the Town for preliminary and the roof line will be a little lower than the existing roof line but it will reflect the same peak. That will certainly be addressed in the formal application.

MR. BOEHNER: Peter one thing to make sure is that when you apply for your variance that you make sure you have your variance correct. Make sure that you don't ask for too little.

DEACON BUSHUNOW: Correct. We are comfortable that 24 feet is the maximum and again there are very strict requirements for bathroom stall sizes and that is why I am asking for a 24 foot addition. It's likely that the Final Plans would be much smaller than that. I am confident they will not be bigger.

MR. BOEHNER: I guess I don't want you to go through the process and find out later it needs to be larger. Does this addition have a basement .

DEACON BUSHUNOW: No it will be on a slab. There will be – that is the entire building right now has a sort of half basement. It's approximately 4 or 5 feet below grade where the fellowship level is and that is why you have to take stairs to go down into it. That is a slab there is no basement, there is no occupied space underneath that. So the elevator is designed to be the type that it can be on

a slab and there is an adjacent elevator equipment room there will not need to be any pit or basement below that.

MR. BOEHNER: The drawings show the addition going over the sanitary sewer line, were you planning to relocate that sanitary sewer line. That is why I was asking if you had a basement. That is something you are going to want to look at with your engineer .

DEACON BUSHUNOW: We will definitely look at that with the engineer.

MR. OSOWSKI: Would it be possible to push everything you are going to build to push it to the east of the fellowship hall, I know you lose space in the fellowship hall and perhaps reduce the setback or increase the setback.

DEACON BUSHUNOW: Correct, I think we already have. It is a pretty small building, the existing building is 1660sf and the worship space and the fellowship space is 60 percent of that on each floor so occupancy is really for 90 people but we would feel it is not going to meet the needs of our congregation if we decrease the space available for people. Also the architect is very concerned about trying to reconfigure the existing architecture to try and put the elevator in there. And we would also need at least a 5 foot deep entry way at street level that is when somebody enters the building through the doors there needs to be 5 feet between them and the elevator or the stairs. So honestly that would take up like 24 feet of our 50 foot building and I honestly don't think it would work. We considered building our addition to the side of the building but it would still technically not be – we would still need a variance because the Town code is 100 feet and building an addition to the side would not really meet – first of all it would ruin the architectural plan of the building and it would not really meet the spirit of accessibility code that people come into the building through the main doors. We can provide pictures of the site. We certainly will for the Zoning Board meeting. It is not a crowded site. The school is to the south. The rectory is here and then there is Clinton Road so our nearest neighbor to the north is a house and street away and my opinion it is not going to crowd anyone. Right now there is a brick and concrete porch with steps which does not count as part of the building and the addition will replace that concrete porch and steps. So I think it will really not bring the building very close to the sidewalk at all. It will still be 40 feet from the sidewalk.

MR. CHAIRMAN: Okay thank you is there anyone in the audience that cares to address this application. That is it for the public hearings for tonight.

5P-NB3-14 Application of Max M. Farash Land Co, LLC By Max M. Farash Declaration in Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval, Preliminary Conditional Use Permit Approval and Preliminary EPOD (woodlot) Permit Approval to construct a portion of a 59,800 +/- building housing three private schools and a driveway servicing the schools and to subdivide one lot into two on property located at 447 French Road. All as described on application and plans on file. POSTPONED TO THE JUNE 18, MEETING AT APPLICANT'S REQUEST.

Lead Agency request from the Town of Henrietta, see letter and attachments from Christopher E. Martin, P.E. Director of Engineering & Planning, dated May 16, 2013.

OLD BUSINESS

NONE

PRESENTATIONS

NONE

COMMUNICATIONS:

Letter from Ransey Boehner, Historic Preservation Commission Secretary, dated April 28, 2014 stating the Historic Preservation Commission has reviewed the demolition application for 2674 West Henrietta Road and will not schedule a public hearing to consider the property for landmark status.

Letter from Betsy Brugg, Woods, Oviatt, Gilman, LLP dated April 22, 2014 with drawing application 12P-NB1-13.

Letter to the Honorable Town Board, from Ramsey Boehner, Town Planner, dated May 9, 2014 recommending that the Planning Board review and report pursuant to Section 209-5.C the Jewish Senior Life Incentive Zoning and Rezoning proposal.

Letter from Betsy Brugg, Woods Ofiatt Gilman, dated May 16, 2014, requesting postponement of application 5P-NB3-14 to the June 18, 2014 meeting.

Letter from Dan and Anne Kapp, 35 Klink Road, dated May 16, 2014 regarding application 5P-NB1-14.

Letter from Joseph O'Donnell, architect, withdrawing application 1P-01-14.

PETITIONS

NONE

5P-01-14 Application of 2600 Elmwood LLC, owner, and Buckingham Properties, agent, for Conditional Use Permit Approval and the Site Plan Modification to install a 555 +/- sf outdoor dining area in the front yard with 20 seats on property located at 2600 Elmwood Avenue. All as described on application and plans on file.

MR. WARTH: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significand and to have a complete application. The following conditions shall be addressed:

1. All required variances shall be obtained.
2. The outdoor dining area shall be limited to 20 seats without further approval by the Planning Board. The total number of combined indoor and outdoor seats shall not exceed the 99 seater previously approved for the indoor seating.
3. The outdoor dining area shall not exceed 555 square feet in area.

4. All requirements of Section 203-84.B(4) – Outdoor Dining Facilities – of the Comprehensive Development Regulations shall be met.
5. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bards for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
6. During each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect an trash or litter which may have been generated by the restaurant operations or customers, to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners, where necessary.
7. The outdoor dining area shall only be operated during the hours of operation of the associated restaurants.
8. Landscaping and fencing shall be installed as proposed. The applicant shall ensure that the proposed plantings are maintained in a neat and attractive condition.
9. There shall be no exterior lighting installed in conjunction with the outdoor dining use without further approval by the Planning Board.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-02-14 Application of Boy Scouts of America – Seneca Waterways Council, owner, and Chait Studios, agent, for the Site Plan Modificatoin to re-stripe the parking lot, adding 20 parking spaces and modify traffic flow on property located at 2320 Brighton Henrietta Town Line road. All as described on application and plans on file.

MS. CIVILETTI: I move to close the application.

MR. BABCOCK STINER: Second

UPON ROLL CALL VOTE MOTION UNAMIOUSLY CARRED

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions:

1. An operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-7845220)
2. Approval of the parking & circulation plan shall be obtained from the Fire Marshal prior to any re-stripping of the parking area.
3. The accessible parking space proposed on the northwest corner of the building shall be relocated to the entrance.
4. The applicant shall ensure that all accessible parking areas meet all applicable requirements including, but not limited to , number of spaces, location of the spaces, dimension of spaces and loading areas, sidewalk access and signage.
5. Lighting details shall be submitted to and approved by the town Building and Planning Department prior to installation of any new exterior lighting.
6. The proposed flag pole shall meet the requirements of Section 207-3(B) of the Brighton comprehensive Development Regulations. Only flags as excepted from the Brighton Sign Regulations in Section 207-25(D) are allowed without further approval.
7. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal. All required permits shall be obtained.
8. All Town codes shall be met that related directly or indirectly to the applicant's request.
9. The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town Code. Any additional parking areas shall be subject to site plan approval. The applicant should be aware that the currently proposed plan does not appear to provide sufficient parking for the entire building to be office use.

10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. Outside storage and display shall be prohibited without further approval.
12. Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.
13. All Monroe County comments shall be addressed.
14. All comments and requirements of the Town Building Inspector and Fire Marshal shall be addressed.
15. All comments and concerns of the DPW as contained in the attached memo dated May 20, 2013 from Evert Garcia to Ramsey Boehner shall be addressed.
16. A letter or memo in response to all Planning Board and DPW comments and conditions shall be submitted.
17. Deliveries shall be limited through the front doors and the loading dock will not be used.

MR. BABCOCK STEINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

5P-03-14 Application of Beam Mack Sales and Service, owner, for Demolition Review and Approval to raze a commercial building (formerly Michelina's Restaurant) on property located 2674-2700 West Henrietta Road. All as described on application and plans on file.

MR. FADER: I move to close the application.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MS. CIVILETTI: I move that the Planning Board adopts the following findings based on the application submitted, testimony presented, and the determination, comments and recommendations of the Historic Preservation Commission and Conservation Board.

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

DEMOLITION FINDINGS:

1. The existing building has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Conservation Board has reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration plan has been approved by the Planning Board.

8. The project will comply with the requirements of NYSDOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3,4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing.

MS. CIVILETTI: I also move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions:

1. All asbestos shall be abated prior to issuance of a demolition permit. Certification that the asbestos has been abated shall be submitted.
2. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.
3. The project will comply with the requirements of NYSDOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3,4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5.
4. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.

5. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
6. Should excavation disturb any apparently archaeologically sensitive areas, there shall be immediate cessation of work and notification of the Town.
7. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
8. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, restoration and erosion control. The applicant's engineer shall prepare and submit to the Town Engineer for his review and approval an itemized estimate of the scope of the project as a basis for the letter of credit.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town code shall be met that relate directly or indirectly to the applicant's request.
11. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
12. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
13. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT if required.
14. A Demolition Permit must be obtained from the Building and Planning Department prior to demolition
15. Prior to demolition a permit must be obtained. A note should be added to the plans indicating such. Additionally a sewer permit shall be obtained prior to the start of demolition.
16. All utilizes services serving the property shall be disconnected at the direction of the utility provide. The severance of utility services

should be confirmed by the Sewer Department and other agencies prior to demolition.

17. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

5P-NB1-14 Application of Deacon Peter Bushunow, Holy Ascension of Christ Church, owner for Preliminary Site Plan Approval to construct 576 +/- sf building addition and enlarge the parking lot (20 additional spaces) on property located at 650 North Landing Road. All as described on application and plans on file.

MR. FADER: I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board Meeting:

1. A highway permit must be obtained prior to working within the North Landing Road right of way.
- 2, The sanitary sewer shall be relocated as required by the Town Engineer.
- 3 The entire building shall comply with the most current Building & Fire Codes of New York State.
4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town code shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
10. Maintenance of landscape plantings shall be guaranteed for three years.
11. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
12. The proposed addition does not meet the 100' foot setback requirement. A variance must be obtained from the Zoning Board of Appeals.
13. The architectural design and building materials of the proposed buildings must be reviewed and approved by the Town of Brighton Architectural Review Board.
14. A certified arborist shall be consulted regarding the survival of the existing trees that are affected by the proposed parking area improvements. A written statement from the arborist should be provided detailing the impact of the proposed parking area on the existing trees.
15. The lighting photometrics indicate that light with an intensity of 1 foot candle will be discharged from the site. The lighting should be

compliant with dark sky standards and the light spill from the site should be reduced. A residential shield should be considered to reduce the impacts to the abutting residential property. A revised lighting plan shall be submitted.

16. All dimensions of the proposed addition and parking spaces must be shown on the plans. The parking space size and access lane width must comply with the Code of the Town of Brighton. The access lane width located in the northeast corner of the parking does not meet code.
17. The distance between the rear parking area and the property line must be shown on the plans. Sufficient dimensions to determine the location of the proposed parking improvements with respect to the property line must be shown on the plans.
18. The front setback dimension of the proposed addition must be shown on the plans.
19. The Site Development Statistics must be revised to include proposed improvements and must show the correct requirements for setback, pavement cover age and lot coverage.
20. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
21. The following comments of the Conservation Board must be addressed?
 - A. Representation by the applicant would have been beneficial for the Board to better understand some aspects of the project.
 - B. Unclear on whether stormwater mitigation meets the town's minimum requirements.
 - C. The use of green infrastructure techniques as encouraged.
 - D. The loss of the tow larger trees along North Landing Road should be mitigated with the planting of two street trees further to the south along North Landing Road.
 - E. It appears there will be trimming of trees on the neighboring property to the east. Does the applicant have permission from the neighbor to trim these trees?
 - F. Dark sky compliant lighting should be used and placed on timers to turn off at night when the property is not in use.

22. All County Development Review Comments shall be addressed prior to final approval.
- 23 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 24 Erosion control measures shall be in place prior to site disturbance.
25. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare as itemized estimate of the scope of the project as a basis for the letter of credit.
26. The parking lot lights shall be placed on a timer and shall be turned off from 11p.m. to ..a.m.
27. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted with the final application.
28. All comments and concerns of the Town Engineer as contained in the attached memo dated from Michael Guyon, Town Engineer to Ramsey Boehner, shall be addressed.
29. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

Lead Agency request from the Town of Henrietta, see letter and attachments from Chrisopher E. Martin, P.E. Director of Engineering & Planning, dated May 16, 2014.

MR. BOEHNER: I received a request from Henrietta to take lead agency for the application of Max Farash Land Co. I would recommend that the Planning Board authorize me to get back to them that they be lead agency regarding this matter. The letter states it is to the Henrietta Town Board, Henrietta Zoning Board, the Town of Brighton, Monroe County Department of Public Health, Monroe County Planning and Development, Monroe County Department of Transportation, New York State Department of Environmental Conservation and New York State Department of Transportation and New York State Thruway Authority. I think they played it safe and they did write us a letter and it was addressed to me me but as the Secretary I am not authorized to reply and it should have been addressed to the Planning Board to my attention but they addressed it to me and I don't think they do a lot of SEQR.

MR. CHAIRMAN: The Planning Board is seeking authorization for the Secretary to respond on their behalf to allow Henrietta to be lead agency.

MR. FADER: I so move.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS - 1

1310 TOPS Pharmacy, Deli Bakery Café, for a building face sign at 1900 South Clinton Avenue.

TABLED FOR THE FOLLOWING

1. All required variances shall be obtained.
2. The new location of the sign components (vs architectural elevations previously reviewed) alter the visual character of the façade previously reviewed.

1327 Sabra Grill for a building face sign at 2600 Elmwood Avenue.

1328 J.S. Excel Flooring for a building face sign at 2341 Monroe Avenue.

TABLED FOR THE FOLLOWING

1. The outline of the sign should be simplified and not to exceed the dimensions on the application.
2. White space should be reduced.
3. The spacing between the letters should be improved.
4. Consider introducing a black underscore aligned with the “inc.”
5. Consider eliminating “J>D>” to improve legibility from the road.

1329 Fastenal for a building face sign (2) at 2856 West Henrietta Road.

1330 M&T Bank for a building face sign at 1427 Monroe Avenue.

1331 Hess for a Canopy Signs at 3000 Winton Road South
CONDITION

1. All requirements of previous approvals shall be met.

1332 Hess for a Canopy Sign at 222 Jefferson Road
CONDITION

1. All requirements of previous approvals shall be met.

SIGNS - 2

OLD BUSINESS

1309 Monster Video Game for a building face sign at 2858 West
Henrietta Road.

TABLED FOR THE FOLLOWING

1. All required variances shall be obtained.
2. The spacing between the lines shall be reduced.
3. The sign should be vertically centered within the sign band.

MR. CHAIRMAN: I move that signs 1327,
1329, 1330, and 1331, 1332 with conditions be approved and 1310,
1328, and 1309 be tabled.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

1P-01-14 Application of Sherry Dampier, owner and Joseph O'Donnell, architect for EPOD (watercourse) Permit Approval to allow for the construction of a garage addition on property located at 3176 Elmwood Avenue. All as described on application and plans on file. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN – Postponed to the May 21, 2014 meeting at applicant's request.

4P-01-14 Application of Corporate Woods of Brighton owner and Ellie Phillips (Phillips European Restaurant), lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 26 Corporate Woods. All as described on application and plans on file.

MS. PHILLIPS: I am Ellie Phillips owner of Phillips Corporate Woods since 1988. Here tonight to ask for a permit to have some outdoor seating. We did hear this application a few years back if you will general.

MR. CHAIRMAN: For the record tell us what you would like to do.

MS. PHILLIPS: We did come in a couple of years ago and finding things tuff we decided we could not financially afford to do the project for the time being. We have gone through that period and we are excited to continue at Corporate Woods and we have now an almost 30 year track record producing cakes and pastries and good things. We don't intend to change our hours or anything. We are open Monday thru Saturday from 11 a.m. to 11 p.m. and we thought it would be really nice in those few summer months to have outdoor seating on the end of the building which is basically a not too attractive space at the moment. It is just a slab with a little bit of vegetation around the edges. So we thought we could make some useful space and put out a few outdoor seating tables. And it would be access through the doors of the restaurant so that the guests would come in through the restaurant and be seated outside so we would be able to maintain it and make sure it was looked after because it would be fenced in.

MR. BOEHNER: What do you mean by enclosing it?

MS. PHILLIPS: With a three foot high barrier fence. We just think it will add a lot of European-ness to our European Restaurant which currently is in a retail plaza and I don't think from the outside attracts business from it's appearance but we still stay busy. We would look after it . We would do the trash in a normal way as we would look at the trash at Corporate Woods since our inception there and we don't anticipate any major differences in a few summer months during normal hours. We would light it. We would provide any emergency exists with a gate in the fencing but we have lots of exits and egresses. We have doors all over the plaza.

MR. BOEHNER: So the lighting you are talking about is a 100 watt light?

MR. LANGLEY: Scott Langley. There is a canopy that goes around there and underneath it has lighting already. It would be a light underneath the canopy.

MR. BOEHNER: So the lighting is already there? Shooting down and that's 100 watt?

MR. LANGLEY: Yes and in addition we have a sconce underneath.

MR. BOEHNER: Shooting down that is 100 watt.

MR. LANGLEY: Yes.

MR. CHAIRMAN: We have a couple of questions about the outdoor seating itself. Can you tell us if you have spoken to the other tenants in the plaza? You can tell which is occupied.

MS. PHILLIPS: Yes, they come and go and go more than come. We have next to us now a beauty salon or metro salon and then next to that is a small tanning place and that is it. That is all that is in the plaza right now.

MR. BOEHNER: You are here with Spall?

MR. LANGLEY: Yes, I have to do something later on.

MR. BOEHNER: What we notice with the increased seating that she has outside, it looks as if she has enough parking if the spaces were to be used for retail but if they go for a more intense use you may have to get a variance or something down the road. But I would worry about that as you get a little bit closer just so you are aware of it.

MR. CHAIRMAN: The last time you were in there was a little bit of discussion about replacing the sidewalk currently along the side of the building and is accessible to the building to the back . This shows that that sidewalk is being cut off and being replaced over by the curb.

MR. LANGLEY: That is correct.

MR. CHAIRMAN: And will you be actually removing the concrete and pavers that are there and pouring new concrete?

MR. LANGLEY: Yes.

MR. CHAIRMAN: Okay, so the area from the fence back that portion of the fence along the west wall you will be taking up that concrete, topsoil and seed and all of that?

MR. LANGLEY: Yes, from the existing one to where it comes up and is cut off, yes we will be taking that off.

MR. CHAIRMAN: That is just going back to a lawn?

MR. LANGLEY: Yes.

MR. BOEHNER: The height of the fence is?

MR. LANGLEY: Three foot.

MR. CHAIRMAN: Any questions? This is a public hearing is does anyone care to address this application? Hearing none we will move on.

4P-02-14 Application of Mike Donoghue, owner, and Janine Wasley (Avvino Restaurant). Lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 2541 Monroe Avenue. All as described on application and plans on file.

MS. WASLEY: My name is Janine Wasley, I own Avvino Restaurant on Monroe Avenue. We opened just over eight months ago. Things are going very well. We have gotten a great response from the community and it has been great to be a part of the Town of Brighton. Although we are expecting our sales to decrease about 30 to 40 percent this summer so we would like to add 3 or 4 tables outside to keep our business steady. So as you can see Randy has drawn some renderings.

MR. CHAIRMAN: I think you should introduce your self?

MR. PEACOCK: Randy Peacock.

MR. CHAIRMAN: The stairwell that is the emergency egress for the rest of the building empties onto this space. From a fire code standpoint do you see any problems?

MR. PEACOCK: We have laid the tables out to maintain that opening and also in the planters so that would be maintained with the required egress width to assure that backyard area.

MS. WASLEY: The fire marshal was out two weeks ago and he said he didn't see any issues at all.

MR. PEACOCK: We actually increased the safety in the restaurant itself because we do plan to put a door in to access directly to the patio so that gives us a third access out of the restaurant.

MR. CHAIRMAN: Okay the other question has to do with your liquor license. So the liquor license require this space to be fully enclosed?

MR. PEACOCK: No, it just requires that it be defined not controlled.

MR. BOEHNER: Have you gone to the Architectural Review Board yet.

MR. PEACOCK: We have not.

MR. BOEHNER: The application is coming up quick. Are you doing the awning?

MR. PEACOCK: We are looking at budgets. We opted for a trellis rather than a fixed canopy.

MR. BOEHNER: If you do want the awning just come back in at a latter date.

MR. PEACOCK: Yes, all the planters are removable as well as the tables and umbrellas.

MS. CIVILETTI: Is there exterior lighting proposed?

MS. WASLEY: We are going to do some string lights underneath the umbrellas with very low wattage.

MR. CHAIRMAN: We are curious about outdoor heaters?

MS. WASLEY: W don't proposed to use any.

MR. BOEHNER: Back on the lights, do you know what type of lighting you are using and the wattage?

MS. WASLEY: You are probably dealing with 40 watt, almost like Christmas tree lights that hang inside the umbrella?

MR. BOEHNER: Okay, do you plan to have candles outside, this is a question from the Fire Marshall and if you do they would prefer they be battery operated.

MS. WASLEY: No, no candles.

MR. BOEHNER: This is another question I had there was a condition on the original application limiting the restaurant to 64 seats. You are proposing in this application to continue having those 64 seats plus 14 outside seats. Is that right?

MS. WASLEY: No, we would probably keep some tables inside open and not seat them due to weather conditions in Rochester if people wanted to move inside we want to have space for them.

MR. BOEHNER: Let me ask you this I didn't know the answer to this so I went back to the old application, has anything changed in that building as far as tenants or hours of operation because we based your last application that after 5 that parking lot is empty?

MS. WASLEY: Nothing has changed.

MR. BOEHNER: That parking lot is still fairly empty besides your traffic?

MS. WASLEY: Yes, even on our busiest nights we still have parking spots.

MR. PEACOCK: There are 58 spots in that lot.

MR. BOEHNER: So where I was if it okay with your landlord I went back to the old record I'm showing that the reason we picked 64 was that you told us you were going to have 64 seats. We never calculated how many seats you could have. So I think you could have the 14 outdoor seats. So it would be your intent to want to have those 14 additional seats is really what you are wanting to do. I think that is okay because if the Board is favorable to this application it would be a condition that you would still have the same number of seats inside, 64 and 14 additional for outside and they are only temporary?

MS. WASLEY: That is correct.

MR. BOEHNER: The last thing I think we are okay the Site Plan wasn't scaling because you tried to get it on one sheet.

MR. PEACOCK: That was to scale.

MR. BOEHNER: It isn't to scale.

MR. PEACOCK: I asked her to put it on to scale so I am sorry.

MR. BOEHNER: I think what happened is she tried to fit it on one sheet. I was trying to find out 10 feet because the code said that you can not have outdoor dining within 10 feet of a side property. It looks close?

MS. WASLEY: I think it is 12 feet one inch.

MR. BOEHNER: Okay we are going to need that to be verified. I sense that you meet the requirement.

MR. PEACOCK: Just to make it clear that is 12 feet away from a two story brick wall.

MR. CHAIRMAN: Anything else? This is a public hearing does anyone care to address this application? Hearing none we will move on.

4P-04-14 Application of 2144 BHTL Road, LLC, owner for Conditional Use Permit Approval to allow for an office, production and printing facility on property located at 2144 BHTL Road. All as described on application and plans on file.

MR. PALUMBO: Good evening my name is Mike Palumbo I am with Flaum Management and we are the owners of 2144 Brighton Henrietta Town Line Road. We recently purchased 2144 and 2100 on January 6th from Reed Management and are in the process of re-tenanting these buildings.

MR. CHAIRMAN: Okay, I think we are all reasonably comfortable with the explanations provided. I have one question on number 8. Of the description submitted, we would like to know what is soluble support PH7-9?

MR. PALUMBO: Basically it's water that is coming out of there 3 dimensional printer.

MR. BOEHNER: Is there an MSDS for that.

MR. PALUMBO: There are not chemicals associated in the water.

MR. BOEHNER: So do they design the printers I am just curious?

MR. PALUMBO: No, they actually bring the printer in and they do printing for other companies and then send it out. They will have a small 3-D printer basically. And they will be printing off different types of printer boards in plastic before they go out to be manufactured. They design these for manufacturers and then ship the smaller products out.

MR. CHAIRMAN: In other locations do they typically start out with this type of space requirement?

MR. PALUMBO: This is probably as big as it is going to get. They can add more printers they don't need more people. When we bought these buildings and we started working with some of the tenants we were trying to get a feel for the expansion and this is one of these groups that said we will be in this foot print forever. Technology is not going to get any smaller. It could get bigger but ultimately not in this treatment.

MR. BOEHNER: They don't see growing?

MR. PALUMBO: Not in this treatment no.

MS. CIVILETTI: What is the actual size of the printer?

MR. PALUMBO: It's about 3 by 3. It is not big at all.

MS. WRIGHT: What is the parking like is there sufficient parking?

MR. BOEHNER: When they came in originally for approval the old parking code was one to three hundred. So we are using that code for the rest of this building and we considered this and looked at this use as office use, primarily as an office use. So we said the original building was office and this space was calculated as office and we are still saying it is very similar to the use coming in. Parking right now isn't a problem because there are vacant spaces. I think what you are concerned about I believe you have five spaces allocated for the use but if you add up number of employees and visitors you may have a need greater than five spaces.

MR. PALUMBO: I don't think in this particular building we will. We have 80 spaces total and if you add the existing tenants that are in there we are far below that and the spaces as they are laid out now, they very but some of these other spaces are more flex, more warehouse with a little less parking. They are not labor intense at all.

MR. BOEHNER: So to answer your question there appears to be sufficient parking.

MR. CHAIRMAN: Any other questions?

MR. OSOWSKI: Do they recycle as much as they can?

MR. PALUMBO: They do.

MR. CHAIRMAN: Does anyone care to address this application? Seeing none we will move on.

4P-05-14 Application of 2100BHTL Road, LLC, owner, for Conditional Use Permit Approval to allow for an office and warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as describe on application and plans on file.

MR. PALUMBO: Mike Palumbo, Flaum Management for the owners of 2100 Brighton Henrietta Town Line Road.

MR. CHAIRMAN: This application does not include the request for outdoor storage.

MR. PALUMBO: Originally they were coming in for 2144 where they were going to need outdoor storage. This space has more warehouse space than what they were getting at 2144. So they will not need outdoor storage at this time. And actually after talking to Rick this morning DeSteffano, I recalled the plan and said at any point do you think you will need outdoor storage the response was this. They are more seasonal than they are year round because who they supply to are the Town of Brighton, municipalities, athletic fields, pools, they provide PVC piping, sprinkler systems, Sprinkler heads and that type of stuff, that is mostly wholesale and very little retail. So it is really more spring, summer, and fall. In the wintertime they don't do much but occasionally they will get a truck load of PVC not a truck load but an order, so if they need 20 feet of PVC that is the longest length that they will ever get. It is very occasional he said where some municipality may order a section of 20 foot PVC and they may need to lay it outside. So at this point they don't have a need for it. In the future we may want to come back and ask if they think it is going to start to become a demand. Rick said I should probably mention that to you but at this point they don't need outside storage.

MR. CHAIRMAN: The issue of this being a retail destination for homeowner is what?

MR. PALUMBO: They are 90 percent wholesale. They don't advertise. You probably never heard of them before but if you go to the parks at Aquinas or any of the municipalities. This is the company that sends out those products.

MR. CHAIRMAN: They don't install they are just a supplier?

MR. PALUMBO: Yes.

MS. CIVILETTI: Is there any storage of solvents or anything like that?

MR. PALUMBO: No, not at all. This is all hardware. And just so you know Rick had asked about truck traffic. They get two to three deliveries a week, either UPS, Fedex, they will get an occasional flat bed or tractor trailer. That is only if they get that order of that 20 foot PVC but once again it is very rare but they do get it occasionally. It doesn't stick around. It gets loaded and goes right back out and again it is not something they inventory. They are going to have

one to two employees. Their hours of operation are 8 to 5. It is a pretty clean operation with low intensity.

MR. BOEHNER: Mike, one thing I wanted to point out is the parking. When we approved it in 1990 parking was based on 80 percent warehouse and 20 percent office use. This particular user is a little bit high on the office than the warehouse. You have plenty of parking right now because you have plenty of vacancies but as you go along keep those numbers in your head because this building is short on parking.

MR. PALUMBO: Keep in mind they are going to have two employees and they are not going to have visitors.

MR. BOEHNER: Mine is more from a Town calculation and remember that parking was done under a 1990 code and that may help you or the new code may and Rick will help you with that.

MR. PALUMBO: We are getting our hands around this and I know that Week (phonetic) Management wasn't as forth coming as maybe they should have been but whatever we are here and we want to be good neighbors.

MR. BOEHNER: That is appreciated.
Thank you.

MR. CHAIRMAN: This is a public hearing does anyone care to address this application. If not we will move on.

NEW BUSINESS

12P-NB1-13 Application of Max M. Farash Land Co., LLC, by Max M. Farash Declaration to Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct a driveway serving a 59,800 sg building in the Town of Henrietta that will house three private schools and to subdivide one lot into two lots on property located t 447 French Road. All as described on application and plans on file.
TABLED AT THE /DECEMBER 18, 2013 MEETING – PUBLIC

HEARING REMAINS OPEN- POSPONED TO THE MAY 21, 2014
MEETING AT APPLICANT'S REQUEST.

MR. CHAIRMAN: The public hearings are
closed.

NEW BUSINESS (cont.)

4P-NB1-14 Application of Wood Christian Center, Inc., owner, and
Clinton Avenue South, agent, for Concept Review to subdivide one
property into two and construct a 12,000 +/- sf medical office building on
property located at 2090 South Clinton Avenue. All as described on
application and plans on file.

MR. CLARK: Good evening my name is John
Clark with DDS Companies and I am here tonight on behalf of Clinton
Avenue South, LLC. With me this evening is Mr. Chris LeStory who is
representative of Clinton Avenue South. The project is located at 2090
South Clinton Avenue and what is happening my client is working with
the Church right now to subdivide a portion of their property off so they
may build a new 12,000 sf medical use facility. We are talking about a
doctor's office and they would have typical procedures outpatient
procedures that would take place there just like any doctor's office. So
what the plan is now is at a conceptual level is we are thinking about
subdividing the property at Lot one which would be at the South Clinton
Avenue side which would be the western side of the property. It would be
approximately 2.8 acres and it would have a new facility of a 12,000 sf
building. Lot 2 would be the existing church and that would be on about
4.4 acres of land. Both properties as they are shown conceptually do
provide enough parking per code so there would be no need for any
variances as far as that goes.

MR. BOEHNER: Can I just ask you on Lot
1, you said it required 80 spaces plus four handicapped or is that number
of 80 include the four?

MR. CLARK: It includes the four
handicapped spaces.

MR. BOEHNER: So you have three extra parking spaces?

MR. CLARK: Yes. So the utilities that are on site right now are sanitary, gas, water electric, there is everything right there. There might be some reorganization that has to take place in the area of the new building but they are all right there. In fact the sanitary is in a great spot and we can just hook right into it. There is going to be some need for realignment of the water that goes back and services the church and we have to run a new water line in for the new building but everything is right there. Storm water right now moves from the east side property to the west side. There are some ponds up near the road. Those currently take on the culvert and the catch basins. Everything that is drains over land gets there. So everything moving to the west that is exactly what we are going to do we are going to maintain that drainage pattern and utilize as much of the existing utilities as we can. Pipe all the storm water toward the front. We are trying to leave that as green as possible. We need to adhere to all the NYS DEC storm water management regulations so we are going to need ample space to do that and we feel that our concept plan achieves that.

As we are doing the subdivision we are going to have to provide an access easement to Lot 2 which is where the church is. So right now everybody enters the site on the northern side of the property and there is a driveway there that leads right back to the church. There was a previous traffic study done on this property and it's much better to have the access point directly across from Havens Road. That was before now and the traffic study that we have done about 10 years ago allows for a left hand turn lane in. It allows for a right hand turn out. So we think that is a much better design. So the access easement would be over that driveway and all the way back along the northern side of the property to get back to the church. Really it is just lines on paper but certainly we would have to provide that.

The previous project that was approved for this site was a bit more dense and it was also two medical use facilities that totaled about 24,000 sf I believe. So what we are doing with our application is reducing it a bit. We feel we are making it a much less dense project with one building and half the square footage that was also less parking. We feel that overall just a bit less dense development for the area. The other thing that we think that this offers is a good more open field. The previous plan had two buildings up closer to the road not as much green space left

up in front all the parking went straight back to the church. So it seemed to be a bit more dense than we liked so we changed it up a bit.

The other thing that we feel is this concept does it offers a bit more buffer to the southern residents. We know there is some residents over there and we want to keep their best interest in mind. So we thing this does a bit better job previously it was all parking lot right next to it and that's noise and light, that's traffic we feel it is not a great buffer. Where now we have that building on that side and it may provide a bit more buffer to the light spill, to the traffic that is going there, keep the headlights off of those properties. So we feel that offers a bit of a plus in that direction as well.

MR. BOEHNER: How many stories is this?

MR. CLARK: It's a single story. We have taken this plan and we have looked at it in a bunch of different way. We went in and met with Town staff talked about different things and ended up with the plan you see in front of you but we have looked at this thing a number of different way and if I can pass out a number of different things we have looked at. As we are here tonight for some feed back on our concept and we wanted to get the Town involved as early as possible and really taking a good hard look at it before we get into our advanced design. I wanted to show a couple of things that we have looked at. Turn to the third page I will start at the back and move forward in more of an L shape building and we had it up in the north east corner and while that alignment and that building structure works very well for our client it wasn't as acceptable to the church. The church is really looking for some access visual access to the road. They don't want a building necessarily right between them and the road. They have had parishioners coming for years and they travel along that northern property line to get back to the church and they felt that this was a bit more cumbersome on that when you drive into the development you see the doctor's office and you don't see the church and then there is a bit of winding around that it has to have.

The other thing with this concept is that that's where a lot of the sanitary utilities are so there would be a cut off of the sanitary utility that services the church right now so that would require rerouting. It's not that it couldn't be done it's just would add cost to the project. And we felt the buffer along the residential side to the south just wasn't adequate again you are looking at parking and the way we had it originally set up you were pulling in headlights first toward the southern

property lines and we knew that wouldn't be acceptable. So we moved on if you look at the lower right hand corner you will see some of the concept numbers that we had. So we have looked at this a bunch of different ways and I brought in just a snap shot of a few but then what we tried to do was rotate the building about 90 degrees and bring it down to that southern property line. And again we felt this offered a bit better buffer to that southern property line but it didn't achieve the visual access the church was looking for. And it did also offer us a bit of relief from the disturbance to the existing utilities actually this is probably the best place for the building as far as existing utilities go but knowing that it wasn't satisfying the church. We looked at it in a different way which was if you look back to the first page we had rotated the building 90 degrees again pushed it up towards the front of the road but that still had that visual barrier between the church and the road and it also was put in a place where there would be significant restructuring of some of the utilities that are there.

So we felt that again wasn't a good buffer against that southern property line. It just didn't fit everybody's needs. So through the process of tinkering and getting word from the town and input from the church and the clients we came up with the plan which we prefer which was submitted to you. As I said we did meet with Town staff, we some very productive meetings and it was suggested that we come and speak to the Board on a conceptual level before we got going with advanced plans and we certainly agree with that and appreciate the time and the opportunity to get some feed back. So with that we would be eager to get any feed back that you have and certainly answer any questions you have.

MR. CHAIRMAN: John, you did see the original plans for preliminary approval and I believe final approval I believe in 2002 where there were two story with a smaller foot print?

MR. CLARK: Right.

MR. CHAIRMAN: On either side of the entrance and the access was straight on up to the church. I just want to remind the members I believe there were only two of us that were here David Fader and myself. Do you want to start Jason.

MR. STINER: I know it is earlier on but it would be nice to see some additional landscaping in front of the grass. I know they want a line of sight in back but it would be nice to see some

trees in that medium section that you have in front of the parking lot, there in the middle of the parking lot and the same thing to not have just grass .

MR. CLARK: Absolutely.

MR. STINER: But looking at these other concepts and I am not familiar with the previous approved ones. South of the church there appears to be along the property line a bunch of trees as a buffer and I think we should try to do something similar to continue along the south side of those building.

MR. CLARK: Yes, definitely it is our attention to look at that and make sure that if there is a need to extend that we certainly will. We want to be good neighbors over there so we were looking at all those options and certainly a landscape plan when we get an advanced design we will see a landscape plan done by a licensed architect and I think you will be pleased with what we come up with.

MR. BOEHNER: John along that same thought look at where your location is for the concrete pad for your dumpster and your cooling tower's generator. I don't know if there can be a different location but you are right next to that house. You might want to talk with them too. That stuff is blocking doing any sort of screening.

MR. CLARK: We certainly will have to look at that and make sure we have that laid out properly.

MR. CHAIRMAN: Tom?

MR. WARTH: I concur with the idea of some kind of low landscaping in front of the western parking lot. I realize the church is higher and you want to maintain sight of the church and I also concur with landscaping on the south side of the building is there pavement there now?

MR. CLARK: On the south side of the building there is pavement there now and there may be a walk way for a rear entrance but the pavement would be removed and it would be grass but we may have a walk way for a separate entrance for the doctors.

MR. WARTH: This is one story?

MR. CLARK: Yes.

MR. WARTH: That is all I have.

MR. FADER: I like this better than the one you had in 2002. I agree with Ramsey on the dumpster I would push that away and I would try to push that back.

MR. CHAIRMAN: The smaller building foot print is two story and I think it may satisfy the occupation better. We do like the proposed building versus the L shape. We would encourage you to look at building to the other side of the site where you just flip it and see if that works and put the back of this new building to other buildings and we know it would be more commercial looking.

MR. CLARK: The one issue with that is we have looked at that and there is sanitary right here and that is our biggest concern is having to make all that drainage work and preliminarily I have looked at it and it would be very difficult to reconnect . I am not saying it is completely impossible but –

MR. CHAIRMAN: If you have looked at it that is fine. And if you were to just take a quick look at moving the building down and flipping those six parking spaces up to the east side of the building just so your view across the storm water area is just a building and not across the parking - pull that building down and flip that parking.

MR. CLARK: We will certainly look at that.

MR. CHAIRMAN: The dumpsters in particular and the cooling towers are near residences and are tuff when they come in and back up to the dumpster at 5:30 a.m.

MR. CLARK: I am hearing that real loud.

MS. CIVILETTI: I agree that it works the best at the opposite end that you presented. I don't have much to add just picking up on Bill's comments on the topography a little bit .

MR. CLARK: We can definitely make the grading here work. The two story option doesn't really work for my client with the operation that they have it is difficult.

MR. OSOWSKI: I really like Bill's idea being on the other side. I assume this would have normal hours of operation and I know the back of that church there is a gymnasium and what not goes on there in the evening.

MR. CLARK: YES.

MS. WRIGHT: Do you have a plan for signage yet is there going to be one kind for both the church and the medical office.

MR. CLARK: Currently there is a sign out at the road right now which they would like to maintain that sign and there is some logistics about it though because it will not be on the church's property any more but they are very interested in keeping that sign in a similar area up near the road. So that part of this has to be seen how that gets worked out. I know Rick was looking into that to see how the town regulations were for a sign in that area pre-existing but now it is getting moved because it is not on the same property any more so it is certainly something we have to look at.

MR. BOEHNER: So the office sign will have a building face sign?

MR. LESTORTI: Chris Lestorti. We haven't spoken with the church but the main concern is to keep the Jubilee name

MS. WRIGHT: Is the church on board with this plan conceptually?

MR. CLARK: Yes, they like this plan.

MR. CHAIRMAN: The architecture in general is it typical of what we see up and down South Clinton.

MR. CLARK: I would have to say yes. I have seen some of the rendering and it does look very typical of the different doctor offices so it certainly won't be out of character.

MR. CHAIRMAN: What type of doctor's office is this?

MR. CLARK: Gastroenterology and they are currently located at Clinton Crossing.

MR. CHAIRMAN: Will you include your architectural elevations in your application.

MR. CLARK: Sure.

MS. WRIGHT: One quick question you mentioned the easement for ingress and egress who will maintain the road way will it be the medical practice.

MR. CLARK: There will be an agreement between the two properties, I am sure they will split the cost or maybe the medical office will say we will take it on. That will be between them they will have to figure out who will maintain the road way. I am sure it will be a split to share the costs.

MR. CHAIRMAN: I ask that you take a look at those minor ideas and encourage you to pursue your preliminary application.

MR. CLARK: Great, thank you.

MR. BOEHNER: Have you talked to Monroe County DOT?

MR. CLARK: We haven't talked to them. I know we talked about doing that and we haven't proceeded with that but certainly we will.

MR. BOEHNER: Do you have to run the water line?

MR. CLARK: We will have to run a new water line.

MR. BOEHNER: And you have the main water line going down South Clinton?

MR. CLARK: Yes.

MR. STINER: I just want to thank you for bringing in the concepts and it helps us see your views.

MR. CLARK: That was helpful advice from Ramsey to bring those in to share and it makes sense we think this is an asset to the community and to my client as well and we want to make the process as smooth as possible. Thank you very much we appreciate your input.

MR. BOEHNER: Thank you.

PRESENTATION

NONE

COMMUNICATIONS

Letter from Michael Palumbo, Flaum Management Company, Inc. dated March 24, 2014, withdrawing application 4P-03-14

Letter from Betsy Brugg, Woods, Oviatt, Gilman, LLP, dated April 4, 2014 requesting postponement of application 1A-04-14.

Letter from Joseph O'Donnell, dated April 8, 2014, requesting postponement of application 1P-01-14.

PETITIONS

NONE

4P-01-14 Application of Corporate Woods of Brighton owner and Ellie Phillips (Phillips European Restaurant), lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property located at 26 Corporate Woods. All as described on application and plans on file.

MS. CIVILETTI: I move to close the public hearing for application 4P-01-14.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. The outdoor dining area shall be limited to 28 seats, and the total seating for the restaurant including inside and outdoor, shall not exceed 128 seats without further approval.
2. The outdoor dining area shall not exceed 750 square feet in area.
3. All requirements of Section 203-84.B(4) – Outdoor Dining Facilities – of the Comprehensive Development Regulations shall be met.

4. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bard for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
5. during each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners.
6. The outdoor dining area shall only be operated during the hours of operation of the associated restaurant.
7. The applicant shall ensure that any proposed planters and plantings are maintained in a neat and attractive condition.
8. All proposed lighting shall be designed to illuminate only the dining area and to eliminate light overflow onto adjacent properties. Lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence no earlier than ½ hour after the close of business.
9. The applicant shall ensure that the outdoor dining area does not impede pedestrian passage. A new sidewalk shall be constructed along the driveway to connect the front and back sidewalks, as presented.
10. The entire sidewalk shall be removed and any disturbance outside the fence line shall be restored to lawn.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-02-14 Application of Mike Donoghue, owner, and Janine Wasley (Avvino Restaurant). Lessee, for Conditional Use Permit Approval to allow for outdoor dining in association with an existing restaurant on property

located at 2541 Monroe Avenue. All as described on application and plans on file.

MR. FADER: I move to close the public hearing of application 4P-02-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. WRIGHT: I move the Planning Board approves the application based on the testimony given, plans submitted, and with the following Determination of Significance and conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. The outdoor dining area shall comply with the most current Building and Fire Cods of New York State. The outdoor dining area appears to create a potential obstruction for people exiting the stairwell. The applicant's architect shall verify that the proposed outdoor dining area and building meet all requirements of the New York State Building Code. A building permit must be obtained.
2. All conditions of Conditional Use Permit application 100-3-12 shall remain in effect.
3. The outdoor dining area appears to create a potential obstruction for people exiting the stairwell. All requirements of the New York State Building Code shall be met.

4. The submitted site plan is not to scale and it could not be verified that all setback requires are met. A site plan shall be submitted that verifies that the awning and outdoor dining will meet all setback requirements.
5. Architectural Review Board approval is needed for the new door and proposed awning.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town code shall be met that relate directly or indirectly to the applicant's request.
8. All lighting for the outdoor dining shall be low in height and intensity.
9. All outstanding comments and concerns of the Fire Marshal shall be addressed.
10. Precautions shall be taken to prevent noise generated by the business from becoming a nuisance for neighboring properties.
11. All BF-1 zoning district requirements, all requirements of #207-14.1 (waste container & grease/oil container standards) and all requirements of 207-14.2 (supplemental rest. Regs) shall me met.
12. All requirements of Section 203-74.B(3) and (4) shall be met.
13. The subject restaurant was approved under Conditional Use Permit application 10P-03-12 Based on this approval the total seating inside the restaurant is limited to 64 seats.
14. The seating capacity of the outdoor dining area is limited to a maximum of 14 seats.
15. The outdoor dining area shall only be used between the hours of 5:00 pm to 11:00 pm.
16. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation and no bars for service of alcohol shall be allowed to conjunction with the outdoor dining facility.

17. During each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers , to the extent that such a patrol can be done safely and that permission is obtained from the neighboring property owners where necessary.
18. The applicant shall ensure that any proposed planters and plantings are maintained in a neat and attractive conditions.
19. All proposed lighting shall be designed to illuminate only the dining area and to eliminate light overflow onto adjacent properties. Lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence no earlier than ½ hour before the business is open to the public and to terminate no later than ½ hour after the close of business.
20. The Planning Board requires that this conditional use permit be periodically renewed after application notice and a public hearing to determine if the conditions of the approval have been complied with or whether conditions have changed since the original conditional use permit was granted. This conditional use permit must be renewed within one year of approval.
21. The closest residential use shall be within 150 feet.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-04-14 Application of 2144 BHTL Road, LLC, owner for Conditional Use Permit Approval to allow for an office, production and printing facility on property located at 2144 BHTL Road. All as described on application and plans on file.

MR. FADER: I move to close the public hearing on application 4P-04-14.

MR. WARTH: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WARTH: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS

1. An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)/
2. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal. All required permits shall be obtained.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town's Code. Any additional parking areas shall be subject to site plan approval.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. Outside storage and display shall be prohibited without further approval.
7. Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.

8. All Monroe County comments shall be addressed.
9. All comments and requirements Town Building Inspector and Fire Marshal shall be addressed.
10. Any proposed signage shall obtain all required approvals.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

4P-05-14 Application of 2100BHTL Road, LLC, owner, for Conditional Use Permit Approval to allow for an office and warehouse facility on property located at 2100 Brighton Henrietta Town Line Road. All as describe on application and plans on file.

MR. WARTH: I move to close the public hearing on application 4P-05-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS

- 1 An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)/
2. The entire building shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal. All required permits shall be obtained.
- 3 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 4 The ratio of office area to warehouse area shall be regulated by the existing parking lot's ability to meet the parking requirements for office use and warehouse use of the Brighton Town's Code. Any additional parking areas shall be subject to site plan approval. Applicant should be aware that the building was originally approved \to be 80 % warehouse and 20% office use.
- 5 Meet all requirements of the Town of Brighton's Department of Public Works.
- 6 Outside storage and display shall be prohibited without further approval.
- 7 Any discharge to the sanitary sewer system shall meet all town, county, state and federal requirements.
- 8 All Monroe County comments shall be addressed.
- 9 All comments and requirements Town Building Inspector and Fire Marshal shall be addressed.
- 10 Any proposed signage shall obtain all required approvals.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

OLD BUSINESS

The University of Rochester – IPD Rezoning Supplemental Draft Generic Environmental Impact Statement comment letter.

MR. CHAIRMAN: I direct the Town Planner to send the letter to the Town Board with corrections.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

SIGNS

1310 TOPS Pharmacy Deli Bakery Café for a building face sign at 1900 South Clinton Avenue

CONDITIONS

1. All required variances shall be obtained.
2. The new location of the sign components (vs architectural elevations previously reviewed) alter the visual character of the façade previously reviewed.

1324 Dunkin Donuts for a building face sign at 2740 West Henrietta Road.

1325 Ontario Hearing Center for a building face sign at 2210 Monroe Avenue.

1326 MCC Economic & Workforce Development Center for a Building face sign at 1057 East Henrietta Road.

1. Lighting shall be changed to down lights that illuminate the signs only. Flood lights are not appropriate for lighting the sign.

OLD BUSINESS

1309 Monster Videogame for a building face sign a 2858 West Henrietta Road.

TABLED FOR THE FOLLOWING

1. All required variances shall be obtained.
2. The spacing between the lines shall be reduced.
3. The sign should be vertically centered within the sign band.

MR. CHAIRMAN: I move to approve signs 1310, 1324, 1325 1326 with conditions as stated. Sign 1309 is tabled.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

assembly then it would be just an office use and that would be a permitted use given that it is an assembly use it is also a conditional use.

MR. CHAIRMAN: So two firms occupy this entire building.

MR. BEACH: Yes, that is correct.

MR. CHAIRMAN: Any proposed improvements to the site any building signage, any lighting or any outdoor things.

MR. BEACH: We will be putting a JCA logo on the front and we will work through the planning process for that. The building does not currently have sprinklers so we will be tapping into the Monroe County Borderline which is right there and bringing a main line it . Those are the only two exterior additions.

MR. BOEHNER: So you have had an architect look at the building to make sure what you are doing will meet the NYS Building Code?

MR. BEACH: Yes. We have and we will also be working with the Fire Marshal.

MR. CHAIRMAN: So you will be applying for building permits?

MR. BEACH: Yes.

MR. CHAIRMAN: This is a public hearing does anyone wish to address this application? Hearing none we will move on. Thank you.

3P-02-14 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification for the construction of a 4,464 +/- sf single family house with a 1,374 sf attached garage on property located at 100 Pendleton Hill (The Reserve – Lot W10). All as described on application and plans on file.

MR. GOLDMAN: Good evening Mr. Chairman and Members of the Board, my name is Jerry Goldman and I am the attorney and agent for Anthony J. Costello and Son's Development who is the developer of The Reserve project located off South Clinton Avenue south of the IPOD - 90 expressway and north of the canal. With me this evening are John Stapleton from Marathon Engineering who is the project engineer as well as Todd Brady who works at the Costello office and has been involved in the development and sales related to The Reserve. We are her this evening for a Site Plan Modification if you will, for a lot which is located as shown on the plan at the eastern end of Pendleton Hill . It is depicted at Lot W 10. That particular lot is being developed for a very nice upscale home and we are here primarily this evening because while when we obtained initial subdivision approval there were plans which depicted building lots where the houses would be as well as the grading and the like. The house which now is being proposed is one of the outside bounds of the building envelope that was depicted on the plans. But it should be pointed out that in all ways the house which is being proposed is in conformance with all of the bulk requirements for The Reserve and does not require any variances. This matter will be going in front of the Architectural Review Board for their review of the elevations on the site itself. As I pointed out there was some modifications with regard to grading which has occurred as well as location on the site of the structure. It is pretty straight forward from our view. You can see on this particular plan that this is the box that was depicted on the site plan that was approved. The house is extending out a little bit in a couple of different directions

on the site. But that again is within the code requirements within the incentive zoning requirements as set forth by the Town Board. John I don't know if you want to address the Board or answer any questions the Board might have.

MR. BOEHNER: John, if you could describe the changes in grading especially as it approaches the rear yard lot line.

MR. STAPLETON: Sure. John Stapleton from Marathon Engineering. As Jerry pointed out these were custom homes so we obviously don't know what the size of the house or the outline of the house is going to be until an actual customer comes to us and says they want to construct this which is the point that we are at now. As far as elevations go the finished pad is the same finished pad elevation which was depicted on the approved grading plan. When I say finished pad we refer to that as meaning the garage floor elevation which is typically the ground in front of the house. We have also indicated what the finished floor is which is actually the floor that you walk on which is about 16 inches or two courses above the garage floor. From a grading standpoint on the original approved plan we have partial walk out for this lot. During construction and mass grading of the overall project we were looking for places to waste some spoil which was some excess cut that we had. So we had talked with the Town Engineer and we had killed the back yard of that and that was done during the mass grading and I believe Mr. Guyon was in agreement with that slight change. So we elevations at each corner for the house and we also tried to give it a more level rear yard or a usable rear yard for this residence. So coming out of the house for the first 30 feet it falls just under a foot and then we go on a one on five slope beyond that to the property line. Along the north and south property lines we have kept the grades the same there is a storm sewer easement that and a corresponding storm sewer that goes along the south property line and the grades in that area over the pipe have not been changed. Did I answer your question?

MR. BOEHNER: On this with the grading will you have four feet of cover over the Town utilities.

MR. STAPLETON: Yes, nothing has changed with regard to that.

MR. BOEHNER: Just the last thing on the grading in the packet we did not get the verification of the structure meeting our height requirements. You say it is going to be 30 feet and I couldn't tell from these

drawings to insure that it is going to meet the height. Do you think any of these points are going to change after the architect fine tunes his elevations.

MR. STAPLETON: No, we coordinated that with the architect.

MR. BOEHNER: You don't see a problem with meeting the 30 feet or any changes to the grading as a result of that?

MR. STAPLETON: I do not. We have confirmed with Fehee that they will be below the 30 foot maximum. I don't see any reason for anything to change.

MR. BOEHNER: Okay and if it did it would probably be slight.

MR. STAPLETON: Very slight. I don't see any reason for it to change at all.

MR. CHAIRMAN: I think one of the things we would like to do is see if there is a way to – you don't necessarily have to come back here for each of these homes but I do want to touch on some of the things that the Board felt important and we all felt it was important in developing this project the smaller lot sizes we all embraced as a good thing to open spaces and also a good thing that the front setback was reduced so there is more of a back yard available to the owners for their use. You are getting away from that large front setback that we have in a lot of subdivisions. So although this does fit within the setbacks technically complies with everything we have laid out over the years. We frankly see looking from our side, the public grounds and this isn't necessarily inconsistent with what we all thought. To tell the difference from a 25 foot to a 45 foot setback might be pretty hard. But as you are driving down the road and you start to fill out the rest of those home the buildings coming up and form a street wall that is something we thought was important but as we understand on the radius of the cul de sac that is hard to tell. You may find yourselves having a more difficult time with the people buying the adjacent lots if they start doing funny things with those setbacks. So I think we are going to try and look at some things as we do our deliberations. Generally speaking do you think that that 25 foot setback will make those lots square and will it be any easier for an architect to design the fit as originally proposed back then as the cul de sac side. Is that a fair statement?

MR. GOLDMAN: I think it is something we would have to review a 25 foot setback does allow for one car basically and a driveway off of the right of way. 45 foot would allow for a two car depth so that becomes the question that we would have to deal with relative to that. It's unusually for us in a suburban context to be talking about maximum setback as opposed to minimum and you know there is always a question about uniformity being desired or whether some off set has some value also. For anyone who is coming in afterwards I think that they will know certainly if they want to do and I can tell you in custom homes there is a lot of due diligence on the part of the buyers. This is going to be a house in excess of a million dollars in value which is going up over here and the negotiations on this and the review was substantial in terms of the amount of time. I think that they will look and will want to see what the adjacent property are going to look like. So to that extent I think that the market will kind of define how that is going to work and certainly if you want some guidance from us as to where we think we are going to be I think we will know that probably much better as we get one or two more sales in that area. The cul de sac itself is going to be a challenge.

MR. CHAIRMAN: I don't want this Board playing referee.

MR. BOEHNER: That is my concern, it is not about the person that is buying it. If someone comes in and says I am buying the house and you are at the 45 foot setback and I am putting it at 20. Then you have a house just outside your picture window and that is the kind of stuff that concerns me.

MR. GOLDMAN: I think if you wind up coming back here you could wind up being a referee in some cases. The fact of the matter is I don't know whether this particular buyer has thought about it but certainly is something that could be negotiated if someone had a concern with regard to that. If someone were to say Mr. Costello, I 'm willing to buy this house and I am willing to do it right now except for the lawyers in the room we want to have some sort of deed restrictions to say what is going to happen with the lots next to us. You know if someone is that concerned about it they really can address that at the time they enter into the contract. This particular buyer could have as well but I don't think it was of a particular concern to this buyer.

MR. STAPLETON: The minimum setback for this neighborhood is 20 feet. The box that we showed on the cul de sac we had setback to 30 feet and than as it is customary to do around the cul de sac I just want to point out to this Board along the north side as it comes out to the main

road we are abutting the park and with restrictions that this Board asked for so we won't have the depth of lot heading west that we are afforded in the cul de sac lot. So I believe that most of those houses at least on the north side of the street are going to be closer to the minimum front setback than what you are seeing on the cul de sac.

MR. GOLDMAN: All of that having been said, I do want to say this before I forget. I do appreciate the Board's consideration in this regard and the reason why is that we have a very volatile market place with people and if you tell them we have to do this and this they could be moving onto something else and the time lag is always a concern. So if there is a way to stream line the process we certainly would welcome that.

MR. BOEHNER: On the record, I do want to say my comfort level in doing administrative reviews on this project is not there unless it is very close to what was approved it would be my feeling administrative review is not appropriate. I certainly do not want to deviate from this plan that much. Just for the record. I will do as the Board finds I just wanted to say that for the record.

MR. CHAIRMAN: Okay, is there any other discussions, you talked about the grading. Now from the original you said that was a partial walk out and the windows the lower windows in the basement?

MR. STAPLETON: Yes, we had the same elevation and we are dropping the grade along the back and if they wanted some daylight windows for their basement they could but it was not intended to be a full walk out rather to drop it and have a partial walk out.

MR. CHAIRMAN: And this is probably window wells at this point. Okay any questions ?

MS. CIVILETTI: Are there any plans for a generator?

MR. BOEHNER: Or an air conditioner not shown on the plans?

MR. BRADY: Scott Brady for marketing and sales. At this time there is no plans for a generator. There will be air conditioning in the home.

MR. BOEHNER: Air conditioning can be side or rear and it has to be screened.

MR. CHAIRMAN: Is there anybody in the audience who cares to address this application. There being none we will move on. That is it for the public hearings tonight. Let's do decisions. Then the DEIS.

12P-NB1-13 Application of Max M. Farash Land Co., LLC, by Max M. Farash Declaration to Trust, owner and FCJE Holdings, LLC, applicant for Preliminary Site Plan Approval, Preliminary Subdivision Approval and Preliminary EPOD (woodlot) Permit Approval to construct a driveway serving a 59,800 sq building in the Town of Henrietta that will house three private schools and to subdivide one lot into two lots on property located at 447 French Road. All as described on application and plans on file. TABLED AT THE /DECEMBER 18, 2013 MEETING – PUBLIC HEARING REMAINS OPEN- POSPONED TO THE APRIL 10, 2014 MEETING AT APPLICANT'S REQUEST.

1P-02-14 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Final Site Plan Approval, Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,039 +/- sf restaurant and drive thru, outdoor dining and extended hours (5:00 a.m. 12:00 midnight) on property located at 277 Monroe Avenue. All as described on application and plans on file. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN.

11P-NB1-13 Application of Le Thi Be Walters, owner and Monroe Pittsford Development, contract vendee, for Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze a Commercial Building and construct a 1, 900+/- sf restaurant with drive thru and outdoor dining on property located at 2787 Monroe Avenue. All as described on application and plans on file. TABLED AT THE JANUARY 15, 2014 MEETING –PUBLIC HEARING REMAINS OPEN

MR. FADER: I move to close the hearings on application 1P-02-14 and 11P-NB1-13.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MR. FADER: I mover that the Planning Board adopts the following findings based on the application submitted, testimony presented, and the determinations, comments, and recommendations of the Historic Preservation Commission, Architectural Review Board and Conservation Board as well as the Determination of Significance.

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment.

DEMOLITION FINDINGS.

1. The existing building , if currently designated as a landmark, has received required approvals from the Historic Preservation Commission, and if not currently designated has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.

8. The project will comply with the requirements of NYSDOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3,4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhoods and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact or affordable housing within the Town.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move to approve as presented on the testimony given, plans submitted, and with the following conditions:

CONDITIONS:

1. Property owner/applicant shall obtain written documentation from neighboring property owner to the north/northwest for permission to remove and replace existing curb/pavement on their property as part of the new wall construction. Documentation must be in place and provided to the Town before construction begins.
2. The property owner shall be responsible for ensuring that #102-3(B)(8) of the Brighton Town Code, “ No person shall operate refuse collecting equipment between the hours of 10 p.m. and 7 a.m. “ is complied with.
3. The north side setback shall be calculated to the closest point of the building, the entry roof. The entry roof shall be shown on the site plan.
4. References to the wood bollard/guide rail shall call it that instead of just “bollard”.

5. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal(Chris Roth, 585-784-5220).
6. The entire building shall comply with the most current Building & Fire Codes of New York State.
7. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
8. When determined necessary by the Town of Brighton, sidewalks shall be constructed on the site meeting specific Town standards at the expense of the property owner.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town code shall be met that relate directly or indirectly to the applicant's request.
11. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
12. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
13. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
14. Maintenance of landscape plantings shall be guaranteed for three years.
15. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

16. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
17. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
18. Fire hydrants shall be fully operational prior to and during construction of the building.
19. All County Development Review Comments shall be addressed.
20. Erosion control measures shall be in place prior to site disturbance.
21. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
22. Asbestos was found and will need to be abated as required by law prior to issuance of a demolition permit. The project will comply with the requirements of NYSDOL, Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5.
23. The proposed building shall be sprinklered in accordance with Town requirements.
24. Erosion control measures shall be in place prior to site disturbance.
25. The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

- 26 The location of any proposed generators shall be shown on the site plans. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
- 27 The location of the HVAC shall be shown on the site plan.
- 28 All comments and concerns of the Evert Garcia as contained in the attached memo dated February 10, 2014 to Ramsey Boehner shall be addressed.
- 29 In the event that the NYSDOT does not complete the construction of the proposed sidewalk the applicant will be required to install a sidewalk along the frontage of the property and provide the appropriate easement. The cost of this sidewalk must be included in the Letter of Credit.
- 30 Applicant shall verify and plans shall show, that retaining walls and fences meet height requirements. Fencing and retaining walls shall not exceed a height of 3 and one half feet from grade in any front yard or 6 and a half feet from grade in any side or rear yard.
- 31 A stabilized construction entrance and equipment/materials stockpile areas should be shown on plans. Precautions should be taken to eliminate the discharge of petroleum and other pollutants.
- 32 All demolition debris and any dumpsters shall be removed from the site on a timely basis following demolition. All demolition debris must be removed from the site and disposed of in an approved landfill.
- 33 All requirements of Section 203-84b(b)(3) (restaurant regulations), 207-14.1 (waste containers and grease/oil container standards) 207-14.2(supplemental restaurant regulations) and 207-14.3 (drive –through standards) as well as any other pertinent sections of the code, shall be met included in these requirements is that “a minimum of one aesthetically acceptable trash receptacle shall be provided on site adjacent to each driveway exit. At least one additional aesthetically acceptable, onsite outdoor trash receptacle shall be provide for every 10 required parking spaces” Also included is that. Any use providing food capable of being immediately consumed which is served in disposable packaging shall have at least one aesthetically acceptable, onsite outdoor covered trash receptacle for patron use located near the primary entrance...’ These requirements along with the other requirements of those sections, should be addressed.

- 34 The drive-thru speaker is required to be less than 50 dba at four feet from the speaker and not audible above daytime ambient noise levels at the property line.
- 35 All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day one half hour before the business is open to the public and to terminate one half hour after the close of business.
- 36 The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
- 37 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 38 Applicable Town standards details and notes will need to be incorporated into the design drawings.
- 39 Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
- 40 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

3P-01-14 Application of PGR , LLC, owner for Conditional Use Permit Approval to allow for an office and assembly facility on property located at 172 Metro Park. All as described on application and plans on file.

MS. CIVILETTI: I move to close the hearing on application 3P-01-13-4.

MR. FADER: Second.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS

1. All IG zoning district requirements and applicable performance standards shall be met.
2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Rothe 585-784-5220). The Fire Marshall shall be contracted prior to the use or storage of combustible or explosive materials.
3. The ratio of office, warehouse and manufacturing/assembly area shall be regulated by the existing parking lots ability to meet the applicable parking requirements of the Brighton Town code. Any proposed additional parking areas shall be subject to site plan approval.
4. Outside storage shall require further approval.
5. Any proposed generator or other equipment installed outside shall require further approval.
6. All necessary building permit approvals must be obtained.

7. All requirements of the Fire Code, Property Maintenance Code and Building Code of the State of New York and any additional requirements of the Fire Marshal shall be met prior to occupancy.
8. Any exterior modifications must receive Architectural Review Board Approval.
9. Any proposal signage must receive all necessary Town Approvals.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
11. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
12. Any proposed change in the exterior lighting shall be submitted to the Building and Planning Department and may require review and approval by the Planning Board.
13. All Monroe County comments shall be addressed.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

3P-02-14 Application of Anthony J. Costello and Son Development, owner, for Site Plan Modification for the construction of a 4,464 +/- sf single family house with a 1,374 sf attached garage on property located at 100 Pendelton Hill (The Reserve – Lot W10). All as described on application and plans on file.

MR. FADER: I move to close the hearing for application 3P-02-14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following SEQR and conditions:

SEQR

The Planning Board of the Town of Brighton adopted a SEQR Finding Statement dated January 19, 2011 for this project.

CONDITIONS:

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. Prior to the issuance of any permits for this project, the requirements of the Town Board Incentive Zoning approval must be satisfied.
3. The entire building shall comply with the most current Building & Fire Codes of New York State.
4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town code shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 9.
10. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

11 Maintenance of landscape plantings shall be guaranteed for three years.

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11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshall shall be addressed.
12. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
13. Fire hydrants shall be fully operational prior to and during construction of the building.
14. All County Development Review Comments shall be addressed.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. All easements must be shown on the site plan with ownership, purpose and location of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
17. Prior to the issuance of a building permit the architectural design and building materials of the proposed building shall be reviewed and approved by the Town of Brighton Architectural Review Board.
18. The height of the proposed house shall be shown on the plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted to and approved by the Building and Planning Department.
19. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
20. Erosion control measures shall be in place prior to site disturbance.
21. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

22. The location of any proposed generators and air conditioner units shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
23. All comments and concerns of the Town Engineer as contained in the attached memo dated March 14, 2014 from Mike Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
24. The existing sidewalk along the cul de sac must be located within an easement. A sidewalk easement to the Town of Brighton shall be submitted for review and approval.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

NEW BUSINESS

The University of Rochester _IPD Rezoning Supplemental Draft Generic Environmental Impact Statement (S-DGEIS)

A discussion was had regarding the setbacks and it was decided if it is inside the block then Ramsey will administratively approve otherwise they will have to come in for a few of the applications until we have an understanding of what is happening.

We will have the next Planning Board meeting on April 10, 2014 and will hold the (SDGEIS) decision over until then.

HELD OVER

OLD BUSINESS

NONE

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PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Paul Colucci, Tops Markets, dated February 24, 2014, requesting postponement of Sign #1310 to the April 10, 2014 meeting.

Letter from Jerry Goldman, Woods, Oviatt, Gilman LLP, dated March 18, 2014, requesting postponement of application 12P-NB1-13 to the April 10, 2014 meeting.

PETITIONS

NONE

1310 TOPS Pharmacy Deli Bakery Cage for a building face sign at 1900 South Clinton Avenue

TABLED FOR THE FOLLOWING

1. All required variances shall be obtained.
2. The new location of the sign components (vs architectural elevations previously reviewed) alter the visual character of the façade previously reviewed.

POST PONED TO THE 4/10/14 MEETING AT APPLICANT'S REQUEST

1317 Quartz Plus Countertops Retail for a building face sign at 2209 Monroe Avenue.

CONDITIONS

1. Either "Countertops" or "Retail Outlet" shall be removed.

1318 Ambiance Salon for a building face sign at 1752 Monroe Avenue.

CONDITIONS

1. The sign shall be revised as necessary so that the area of the sign meets the requirements of Brighton regulations.

1319 Yotality for a building face sign at 932 Winton Road South

CONDITIONS

1. All requirements of the approved sign plan for the 12 corners Plaza shall be met.

1320 Sonus for a Building face sign at 140 Canal View Blvd .

CONDITIONS

1. All required variance shall be obtained.

1321 Yolickity Frozen Yogurt Bar for a building face sign at 2600 Elmwood avenue.

1322 The Landing of Brighton for a freestanding sign at 1350 Westfall Road.

TABLED FOR THE FOLLOWING.

1. The panel appears to "droop" between the pillars. The board suggests that the bottom of the sign be revised to align with or clear the tip of the pillar base. Visually the sign panel crowds the top of pillars: this relationship should be re-examined.

Ensure that the panel sign is not obscured by the plantings at mature height.

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2. The brick on the pillars shall match the brick of the building.
3. Sign details and complete dimensions shall be submitted.
4. Lighting shall be directed and configured to minimize light spillage. The proposed light type and wattage shall be submitted.

OLD BUSINESS

1309 Monster Videogame for a building face sign at 2858 West Henrietta Road.

TABLED FOR THE FOLLOWING

1. All required variances shall be obtained.
2. The spacing between the lines shall be reduced.
3. The sign should be vertically centered within the sign band.

MR. CHAIRMAN: I move to approve the signs as presented or with conditions and to table 1323 and 1309 and 1310 held over to 4/10/14.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED